IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION No. 595 OF 2007

Mrs. Pooja Sanjay Mane .....Petitioner

versus

Mrs. Sanjay Atmaram Mane ..... Respondent.

Shri A.P.D.Fernandes for the petitioner.
Shri A.S.Shitole APP for State.
Shri C.S. Patil for Respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 03RD DECEMBER, 2007

P.C.;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent of parties.

2. The parties to the present petition are husband and wife. The parties were married according to Hindu rites and custom on 16-12-1994 and there are two children born out of the marital wedlock. On account of difference between the parties, they are staying separately. The present petitioner/wife initiated proceeding under section 125 of Cr.P.C. bearing Misc. Application No. 593/05 which is pending in the Court of Chief Judicial Magistrate at Nashik. The proceedings came to be initiated in the court at Nashik as the petitioner was residing there with her parents after separating from her husband. By the

present petition, it is submitted that the petitioner is now returned to Bombay and thus the petitioner so also the respondent husband are staying in Bombay. The respondent is the resident of Airoli, New Bombay. Thus it is undisputed that having regard to the convenience of both the parties, it would be in the interest of justice to transfer the proceedings pending on the file of Chief Judicial Magistrate, Nashik to the Family Court at Mumbai. The limited prayer made in this petition for transfer of the proceedings is not opposed by the learned counsel for the respondent. Hence writ petition is allowed. The Chief Judicial Magistrate, Nashik is directed to transfer the Misc. Application No.593/05 pending on the file of the Chief Judicial Magistrate, Nashik, to the Family court, Bandra for its trial and decision in accordance with the law. Rule made absolute in the above terms. Parties undertake to appear before the Family Court, Bandra on 8-1-2008.

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